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dorsed his brother's blank note, to be delivered to plaintiff, to secure plaintiff for indorsement of a certain note of the brother, and for any subsequent note plaintiff might indorse for such brother, and after indorsement of another note by plaintiff the brother died insolvent in August, 1915, and plaintiff, the day after such death, filled up the blank note, he did so within the "reasonable time" required by Negotiable Instruments Law, § 14.

[Ed. Note.—For other cases, see Bills and Notes, Cent. Dig. §§ 85-94.* 2 Va.-W. Va. Enc. Dig. 422, 428.

For other definitions, see Words and Phrases, First and Second Series, Reasonable Time.]

Error to Circuit Court, Culpeper County.

Action by T. H. Brown against R. L. Thomas. Judgment for defendant, and plaintiff brings error. Reversed and rendered.

Hidden & Bickers, of Culpeper, for plaintiff in error.

Grimsley & Miller, of Culpeper, for defendant in error.

COLONA et al. v. PARKSLEY NAT. BANK et al.

June 14, 1917.

[92 S. E. 979.]

1. Bills and Notes (§ 504*)—Actions—Nature of Liability—Evidence—Admissibility.—Where the holder in due course was warranted by the note itself in treating defendants, who placed their names thereon, as indorsers, evidence that there was an understanding between defendants that they should not be liable until the note was brought back to them for indorsement was incompetent.

[Ed. Note.—For other cases, see Bills and Notes, Cent. Dig. §§ 1719-1727.* 2 Va.-W. Va. Enc. Dig. 495.]

2. Bills and Notes (§ 519*)—Actions—Indorsers—Evidence.—In an action on a note, held, under the evidence, that defendants were indorsers, although some signed under the signature of the maker, and others in a column to the left, in view of Code 1904, § 2841a, subsec. 17, cl. 6, providing that, when a signature is so placed on an instrument that it is not clear in what capacity the person intended to sign, he is to be treated as an indorser.

[Ed. Note.—For other cases, see Bills and Notes, Cent. Dig. § 1802.* 2 Va.-W. Va. Enc. Dig. 495.]

3. Bills and Notes (§ 338*)—Good Faith of Purchaser—Care Required.—Those who execute negotiable paper are chargeable with

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

a much higher degree of diligence and caution than those who purchase such paper in due course of commercial transactions.

[Ed. Note.—For other cases, see Bills and Notes, Cent. Dig. §§ 819, 820.* 2 Va.-W. Va. Enc. Dig. 431.]

4. Bills and Notes (§ 342*)—Holder in Due Course—Paper Complete on Face.—Paper attached to the note reciting that “we do hereby assign to and deposit with the said bank” the note “executed * * * to our order,” and signed by the maker was a sufficient indorsement within Code 1904, § 2841, subsec. 52, providing that a holder in due course is one “who has taken the instrument under the following conditions: (1) That it is complete and regular upon its face”—in view of subsection 31, providing that “the indorsement must be written upon the instrument itself or upon a paper attached thereto.”

[Ed. Note.—For other cases, see Bills and Notes, Cent. Dig. §§ 830-841.* 2 Va.-W. Va. Enc. Dig. 427.]

5. Bills and Notes (§ 357*)—Holder in Due Course—Collateral Security.—That the note was assigned to the bank as collateral security did not affect its being a holder in due course.

[Ed. Note.—For other cases, see Bills and Notes, Cent. Dig. §§ 909-912, 961.* 2 Va.-W. Va. Enc. Dig. 430.]

6. Bills and Notes (§ 256*)—Discharge of Indorsers—Modification of Agreements.—That subsequent to the assignment of the note for an overdraft of the corporation maker the maker gave the assignees written instructions to place the note to the credit of the maker did not invalidate the assignment and release the indorsers; such use being directly in furtherance of the purpose for which the note was made.

[Ed. Note.—For other cases, see Bills and Notes, Cent. Dig. §§ 581-599.* 2 Va.-W. Va. Enc. Dig. 480.]

7. Bills and Notes (§ 348*)—Holder in Due Course—Purchase within Reasonable Time.—Under Code 1904, § 2841a, subsec. 53, providing that, “when an instrument payable on demand is negotiated as unreasonable length of time after it is issued the holder is not deemed a holder in due course,” where a demand note dated August 24th was indorsed in anticipation of the use by the maker for handling the season’s crop when necessary, its discount on October 31st was within the reasonable time required to constitute the purchaser a holder in due course, in view of subsection 193, providing that in determining what is a reasonable time regard is to be had to the facts of the particular case, etc.

[Ed. Note.—For other cases, see Bills and Notes, Cent. Dig. §§ 870-877½.* 2 Va.-W. Va. Enc. Dig. 434.]

8. Judgment (§ 48 (4)*)—Confession of Judgment—Warrant of Attorney—Assignee’s Rights.—Although the warrant of attorney

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

contained in the note did not designate the person in whose favor the judgment was to be confessed, the use of the warrant of attorney to confess judgment for the assignee in due course was a lawful exercise of the power conferred by the note.

[Ed. Note.—For other cases, see Judgment, Cent. Dig. § 67.* 3 Va.-W. Va. Enc. Dig. 70, 71.]

Appeal from Circuit Court, Accomac County.

Suit by G. W. Colona and others against the Parksley National Bank and others. From a decree dismissing plaintiffs' bill, they appeal. Affirmed.

S. J. Turlington, of Accomac, and *J. L. Jeffries*, of Norfolk, for appellants.

Roy D. White, of Parksley, *Stewart K. Powell*, of Onancock, and *O. F. Mears*, of Eastville, for appellees.

PEDEN *v.* PEDEN'S ADM'R.

June 14, 1917.

[92 S. E. 984.]

Witnesses (§ 216*)—Privileged Communications—Tax Records.—

In a suit to determine the ownership of certain notes as between plaintiff's intestate and her son, evidence by the examiner of records that the son in listing the notes for taxation, had stated he obtained the notes only after his mother's death, was not privileged under Acts 1915, c. 116, providing that the answers required under oath of the person, firm, corporation, agents, or witnesses shall not be disclosed unless called for by a court of record or by said state advisory board or any local board of review, it not appearing that such answers had been given under oath, a person's own statement of his untaxable property not being privileged at common law.

[Ed. Note.—For other cases, see Witnesses, Cent. Dig. § 779.* 13 Va.-W. Va. Enc. Dig. 974.]

Error to Corporation Court of Fredericksburg.

Action by Peden's administrator against Peden. Judgment for plaintiff, and defendant brings error. Affirmed.

F. M. Chichester and *G. B. Wallace*, both of Fredericksburg, and *R. E. Byrd*, of Richmond, for plaintiff in error.

C. O'Connor Goolrick and *W. W. Butzner*, both of Fredericksburg, for defendant in error.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.